

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 06, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FRANCISCO VALENCIA MAGANA,
JR.,

Plaintiff,

v.

YAKIMA COUNTY; SHERIFF
ROBERT UDELL; and DEPUTY J.
HINZE,
Defendants.

No. 1:23-CV-03041-SAB

**ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS**

Before the Court is Defendants' Motion to Dismiss, ECF No. 6. Plaintiff is represented by Douglas K. Garrison. Defendants are represented by Amanda C. Bley and Matthew Sonneby.

Defendants move the Court to dismiss Defendant Yakima County Sheriff's Office and Defendant County's "Agents, Employees, and Deputies" with prejudice. Defendant also move to dismiss Plaintiff's state constitutional law claim against all Defendants.

Having reviewed the parties' briefing and applicable law, the Court grants Defendants' Motion to Dismiss.

Subdivisions of local governments are not legal entities capable of being sued. *Bradford v. City of Seattle*, 557 F.Supp.2d 1189, 1207 (W.D. Wash. 2008). A

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS # 1

1 County’s “Agents, Employees, and Deputies” are synonymous with the County
2 itself. Similarly, and barring an unusual circumstance, “Doe pleading” is not
3 permitted in the Ninth Circuit. *Craig v. United States*, 413 F.2d 854, 856 (9th Cir.
4 1969; *see also* General Orders 84-37, 13-37-1. Here, Yakima County Sheriff’s
5 Office and its “Agencies, Employees, and Deputies” are not legal entities capable
6 of being sued and Plaintiff had ample time (18-months) to investigate potential
7 “John Doe” defendants. Therefore, Yakima County Sheriff’s Office and its
8 “Agents, Employees, and Deputies” are dismissed with prejudice.

9 Washington law contains no counterpart to 42 U.S.C. § 1983, and
10 Washington courts reject “invitations to establish a cause of action for damages
11 based upon [Washington State] constitutional violations ‘without the aid of
12 augmentative legislation.’” *Blinka v. Wash. State Bar Ass’n.*, 36 P.3d 1094, 1102
13 (Wash. Ct. App. 2001) (quoting *Svs. Amusement, Inc. v. State*, 500 P.2d 1253,
14 1254 (Wash. Ct. App. 1972). Therefore, Plaintiff’s claims for violating state-law
15 constitutional rights are also dismissed with prejudice.

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ORDER GRANTING DEFENDANTS’ MOTION TO DISMISS # 2

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendants' Motion to Dismiss, ECF No. 6, is **GRANTED**.

2. All claims against Defendants Yakima County Sheriff's Office and unidentified "Agents, Employees, and Deputies" are **dismissed with prejudice**.

3. Plaintiff's Washington State Constitution Article 1 Section 7 cause of action is **dismissed with prejudice**.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order, update the caption, and to provide copies to counsel.

DATED this 6th day of June 2023.



A handwritten signature in blue ink that reads "Stanley A. Bastian".

Stanley A. Bastian
Chief United States District Judge